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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,121	11/21/2001	Eugene Yan Ki Hsue	M-12154 US	2802

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EXAMINER

LEA EDMONDS, LISA S

ART UNIT PAPER NUMBER

2835

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,121

Applicant(s)

HSUE ET AL.

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Driscoll et al. (5247427). With respect to claims 12-14, Driscoll et al. teaches a midplane sled (33-1-33-20) comprising a floor (53); opposing sidewalls (59) disposed on the floor (53) and oriented in orthogonal relationship with the floor (53); a front wall (57) having an opening, a first side and a second side, and being disposed on the floor (53) and oriented in orthogonal relationship with the floor (53) and sidewalls (59); a first connector (73); a second connector (see figure 8); a third connector (see next to first connector 73), and a guide disposed on the floor (53) as claimed (see for example figures 8-18 and column 4 line 46 through column 6 line 53).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3 and 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferchau et al. (4899254) in view of Carteau (6459571). With respect to claims 1 and 6, Ferchau

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et al. teaches an enclosure (2) comprising a chassis (4) having a floor and opposing sidewalls; a first midplane (14) having an opening formed therein; wherein the midplane (14) is operable to be secured in an interior of the chassis (4) between the sidewalls and oriented in orthogonal relationship to the sidewalls; wherein the midplane (14) is configured to mate to at least one air displacement unit (82) on a back surface of the midplane (14) parallel to the sidewalls of the chassis (4), and to mate to at least one device sled (10, 24) on a front surface of the midplane (14); wherein each opening is aligned with at least one of the air displacement units (82) as claimed (see for example figures 2A and 2B). However, the apparatus of Ferchau et al. lacks a clear teaching of the midplane (14) being a discrete first and second midplane, a shelf being disposed on at least one of the sidewalls, and a controller mounted on the shelf and connected to the midplane as claimed. Carteau is relied upon for its teaching of a chassis (20) having discrete first and second midplane (25A, 25B), a shelf (30A, 30B) being disposed on at least one of the sidewalls, and a controller (29) mounted on the shelf (30A, 30B) and connected to the midplane (25A, 25B) as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Carteau into the apparatus of Ferchau et al. to aid in repairing a defective midplane without having to take the system "offline", thus improving redundancy.

5. Claims 2 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferchau et al. in view of Carteau as applied to claim 1 above, and further in view of Manweiler et al. (6459589). With respect to claims 2 and 7-10, Ferchau et al. in view of Carteau teaches an enclosure (2) comprising a chassis (4) having a floor and opposing sidewalls; discrete first and second midplane (see Carteau) having an opening formed therein; wherein the midplane is operable to be secured in an interior of the chassis between the sidewalls and oriented in orthogonal relationship to the sidewalls; wherein the midplane is configured to mate to at least

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one air displacement unit (82) on a back surface of the midplane parallel to the sidewalls of the chassis, and to mate to at least one device sled (10, 24) on a front surface of the midplane; wherein each opening is aligned with at least one of the air displacement units (82); and a shelf (30A, 30B) being disposed on at least one of the sidewalls, and a controller (29) mounted on the shelf (30A, 30B) and connected to the midplane (see Carteau) as claimed (see for example figures 2A, 2B of Ferchau et al. and figures 5, 6 of Carteau). However, the apparatus of Ferchau et al. in view of Carteau lacks a clear teaching of a divider wall as claimed. Manweiler et al. is relied upon for its teaching of a divider wall (50) being disposed on the floor of a chassis (10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Manweiler et al. into the apparatus of Ferchau et al. in view of Carteau to further divide the chassis.

6. Claims 4 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferchau et al. in view of Carteau as applied to claim 1 above, and further in view of Dean et al. (3905484). With respect to claim 4 and 15-20, Ferchau et al. in view of Carteau teaches an enclosure (2) comprising a chassis (4) having a floor and opposing sidewalls; discrete first and second midplane (see Carteau) having an opening formed therein; wherein the midplane is operable to be secured in an interior of the chassis between the sidewalls and oriented in orthogonal relationship to the sidewalls; wherein the midplane is configured to mate to at least one air displacement unit (82) on a back surface of the midplane parallel to the sidewalls of the chassis, and to mate to at least one device sled (10, 24) on a front surface of the midplane; wherein each opening is aligned with at least one of the air displacement units (82); and a shelf (30A, 30B) being disposed on at least one of the sidewalls, and a controller (29) mounted on the shelf (30A, 30B) and connected to the midplane (see Carteau) as claimed (see for example figures 2A, 2B of Ferchau et al. and figures 5, 6 of Carteau). However, the apparatus of

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Ferchau et al. in view of Carteau lacks a clear teaching of the enclosure further comprising tabs extending from the front surface of each midplane and slots formed in the chassis as claimed.

Dean et al. is relied upon for its teaching of tabs (40A, 40B, 42) extending from the front surface of each midplane (38) and slots (30A 30B, 20) formed in the chassis as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dean et al. into the apparatus of Ferchau et al. in view of Carteau to further aid in supporting the midplanes.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferchau et al. in view of Carteau as applied to claim 1 above, and further in view of Hipp et al. (6411506). With respect to claim 5, Ferchau et al. in view of Carteau teaches the invention as claimed by claim 1 (see the above 103 rejection). However, the apparatus of Ferchau et al. in view of Carteau lacks a clear teaching of each device sled (10) comprising multiple discrete data storage mediums as claimed. Hipp et al. is relied upon for its teaching of each device sled (32) comprising multiple discrete data storage mediums (86, 87) as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hipp et al. into the apparatus of Ferchau et al. in view of Carteau to increase user memory.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferchau et al. in view of Carteau in view of Manweiler et al. as applied to claims 7 above, and further in view of Hipp et al. (6411506). With respect to claim 11, the apparatus of Ferchau et al. in view of Carteau in view of Manweiler et al. teaches the invention as claimed by claim 7, however, Ferchau et al. in view of Carteau in view of Manweiler et al. as applied to claims 7 lacks a teaching of each device sled (10) comprising multiple discrete data storage mediums as claimed. Hipp et al. is relied upon for its teaching of each device sled (32) comprising multiple

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discrete data storage mediums (86, 87) as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Hipp et al. into the apparatus of Ferchau et al. in view of Carteau to increase user memory.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the apparatuses of Casebolt (6525935), Heard (6424526), Larabell et al. (5471099), Sauer et al. (5816673), and Bolton et al. (5168424).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 703-305-0265. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1782.

Lisa Lea-Edmonds
Examiner
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A handwritten signature in black ink, appearing to read "Lisa Lea-Edmonds", with a stylized flourish at the end.

June 12, 2003